

**2019**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**SENIOR PRACTITIONER AMENDMENT BILL 2019**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
Rachel Stephen-Smith MLA  
Minister for Disability**

# SENIOR PRACTITIONER AMENDMENT BILL 2019

## CLAUSE NOTES

### Clause 6 Proposed new section 10(b)(i)

This clause omits proposed new section 10(b)(i) and substitutes an amendment to the criteria that must be applied for a restrictive practice to be used outside of a positive behaviour support plan. The '*imminent risk of death of, or serious harm to the person or others*', has been amended to read '*imminent harm to the person or others*'. This is to ensure that the criterion provides for the use of restrictive practice wherever harm to a person may be imminent. Harm is defined in the Act to include the risk of harm.

In addition, '*or relevant person*' has been included, in addition to the provider, as a person who must believe on reasonable grounds that the use of restrictive practice is necessary to avoid harm to a person. This amendment is in line with the *Senior Practitioner Act 2018* and does not materially alter the intent of the provision.